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Letter dated 11 December 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to submit to you, and through you to the members of the Security Council, the text of an exchange of letters between the Secretariat of the United Nations and the Permanent Mission of Iraq to the United Nations extending, in the light of Security Council resolutions 1443 (2002) of 25 November 2002 and 1447 (2002) of 4 December 2002, the Memorandum of Understanding of 20 May 1996 concerning the implementation of Security Council resolution 986 (1995), first until 4 December 2002 and subsequently for an additional period of 180 days, effective 5 December 2002.

(*Signed*) Kofi A. **Annan**

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Annex I

Letter dated 9 December 2002 from the Under-Secretary-General for Legal Affairs addressed to the Permanent Representative of Iraq to the United Nations

I have the honour to refer to Security Council resolution 1409 (2002), adopted on 14 May 2002, by which the Council decided, inter alia, that the relevant provisions of its resolution 986 (1995) should remain in force for a new period of 180 days beginning at 0001 hours, United States Eastern Daylight Time, on 30 May 2002; and to resolution 1443 (2002) of 25 November 2002, by which the Council decided to extend the provisions of resolution 1409 (2002) until 4 December 2002. I also have the honour to refer to Security Council resolution 1447 (2002) of 4 December 2002, by which the Council decided, inter alia, that the relevant provisions of resolution 986 (1995) should remain in force for a new period of 180 days beginning at 0001 hours, United States Eastern Standard Time, on 5 December 2002.

In view of the foregoing, I have the honour to propose that the provisions of the Memorandum of Understanding of 20 May 1996 between the Secretariat of the United Nations and the Government of Iraq, as read in conjunction with the relevant provisions of Security Council resolutions 1409 (2002) and 1447 (2002), be extended first until 4 December 2002 and subsequently for an additional period of 180 days, effective 5 December 2002.

It is understood that the distribution plans that have already been approved but have not yet been implemented shall continue to apply for goods purchased with the revenues generated under the respective Security Council resolutions.

If your Government agrees to this proposal, I suggest that the present letter, and your reply thereto, shall constitute an agreement between the Secretariat of the United Nations and the Government of Iraq. This, however, does not apply to the second sentence of your reply, which is a unilateral statement by the Government concerning matters outside the scope of the mandate of the Secretariat in relation to the present exchange of letters, and which, furthermore, as we understand it, does not affect the nature of the applicable resolutions adopted in accordance with relevant provisions of the Charter of the United Nations.

(*Signed*) Hans **Corell**
Under-Secretary-General for Legal Affairs
The Legal Counsel

Annex II

Letter dated 11 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Under-Secretary-General for Legal Affairs

I have the honour to inform you that the Government of the Republic of Iraq has agreed to the proposal contained in your letter of 9 December 2002 for the extension of the provisions of the Memorandum of Understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996. In this connection, the Government of the Republic of Iraq wishes to confirm its position that it is not concerned with or committed to any resolutions, arrangements, measures, concepts or orientations not provided for in the Memorandum of Understanding between the Secretariat of the United Nations and the Government of the Republic of Iraq of 20 May 1996 or not agreed upon by the Government of Iraq, and that the last sentence of your letter expresses the position of the Secretariat of the United Nations.

(*Signed*) Mohammed **Aldouri**
Ambassador
Permanent Representative of Iraq to the United Nations